

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA

MINUTES

May 27, 1999

The Board of Education and the Board of Vocational Education met for the regular business meeting in Senate Room B of the General Assembly Building, Richmond, Virginia on Thursday, May 27, 1999 with the following members present:

Mr. Kirk Schroder, President  
Senator J. Brandon Bell, Vice-President  
Mrs. Jennifer C. Byler  
Mr. Mark C. Christie  
Mrs. Audrey B. Davidson

Mrs. Susan T. Noble.  
Mr. Robert H. Patterson, Jr.  
Mrs. Ruby W. Rogers  
Senator John W. Russell

Mr. Paul D. Stapleton, Secretary  
and Superintendent of Public  
Instruction

Mr. Schroder called the meeting to order at 9:05 a.m.

***INVOCATION AND PLEDGE OF ALLEGIANCE***

Senator Russell gave the invocation and led in the Pledge of Allegiance.

***APPROVAL OF MINUTES***

Mrs. Byler made a motion to approve the minutes of the April 28-29 meeting. Copies of the minutes had been distributed previously to all members of the Board for review. The motion was seconded by Senator Russell and carried unanimously.

***APPROVAL OF AGENDA***

The following item was added to the agenda: *Item N, Application for Funding Charter Schools.* Mr. Christie requested time on the agenda to discuss an item heard at the recent public hearings. Mr. Schroder indicated that he would recognize Mr. Christie briefly before the action/discussion items. Mrs. Byler made a motion to approve the agenda as amended. The motion was seconded by Mrs. Noble and carried unanimously.

***CONSENT AGENDA***

The motion was made by Mrs. Byler, seconded by Mrs. Noble and carried unanimously for approval of the consent agenda.

- P Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List
- P Final Review of Recommendations Concerning Applications for Literary Fund Loans
- P Final Review of Financial Report on Literary Loan Fund

**Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List**

The Department of Education's recommendation that funding be released for one project in the amount of \$3,500,000 and funding for five projects in the amount of \$16,539,934 be deferred and the projects placed on the First Priority Waiting List was accepted by the Board of Education's vote on the consent agenda.

COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Wise County	Coeburn Primary	\$3,500,000.00
	<b>TOTAL</b>	<b>\$3,500,000.00</b>

**First Priority Waiting List**

COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Carroll County	Oakland Elementary	\$3,075,495.00
Carroll County	Laurel Elementary	3,486,763.00
Carroll County	Gladesboro Elementary	2,873,440.00
Carroll County	Fancy Gap Elementary	2,936,589.00
Carroll County	Gladesville Elementary	4,167,647.00
	<b>TOTAL</b>	<b>\$16,539,934.00</b>

**Final Review of Recommendations Concerning Applications for Literary Fund Loans**

The Department of Education's recommendation for approval of five new applications in the amount of \$16,539,934 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, *Code of Virginia* was accepted by the Board of Education's vote on the consent agenda.

COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Carroll County	Oakland Elementary	\$3,075,495.00
Carroll County	Laurel Elementary	3,486,763.00
Carroll County	Gladesboro Elementary	2,873,440.00
Carroll County	Fancy Gap Elementary	2,936,589.00
Carroll County	Gladesville Elementary	4,167,647.00
	<b>TOTAL</b>	<b>\$16,539,934.00</b>

**Final Review of Financial Report on Literary Fund**

The Department of Education's recommendation to approve the financial report on the status of the Literary Fund as of February 28, 1999 was accepted by the Board of Education's vote on the consent agenda.

**RESOLUTIONS AND RECOGNITIONS**

- P** Recognition of Former Board Members: Mrs. Kay Coles James and Mrs. Lil Tuttle
- P** Resolution of Appreciation for Dr. James E. Laws, Jr., former Executive Assistant for Board Relations, Department of Education
- P** Resolution recognizing and honoring Linda B. Koutoufas, 1999 Virginia Teacher of the Year
- P** Resolutions of Recognitions for the students and coaches from the Governor's School for Government and International Studies (Richmond), as follows:

- ♦ Three teams that received meritorious recognition in the 1999 International College and University Mathematics Competition, ranking them in the top 20% of the teams from around the world.

<u>Team A</u>	<u>Team B</u>	<u>Team C</u>	<u>Faculty Advisors</u>
Mannish Patel	Nick Carter	Michael Koren	Ms. Crista Hamilton
Vysacheslav Rovner	Catherine Shaw	Meghan Estes	Dr. John Barnes
Ryan Fitzpatrick	Sam Pritchard	Zach Carwile	

- ♦ The team that received an honorable mention at the “We the People...The Citizen and the Constitution,” a national competition sponsored by the Los Angeles-based Center for Civic Education and financed by USDOE. The team competed with teams from all 51 states and was one of only 10 teams selected for the final round held in Washington, D.C. This team received an honorable mention for its performance in the final round.

Team Members

Neha Bhandnagar	Jesse Owdom
Matthew Cipolla	Buba Patel
Elena DeLozier	Johnetta Pressley
Marcia Frazho	E. G. Rockwell
Emma Fuller	Alex Rothberg
Lindsay Guthrie	Joseph Rupp
Megan Highley	Veronica Sikka
Elizabeth Jennings	Russell Waymack
Jessica Jones	Matthew Weiner
Tim Jones	Chris Williams
Mollie Marr	Walter Witschey
Anna McCreary	

State Coordinator

Helen Coalter

District Coordinator

Martha Potts

- Resolution of Recognition for the Caroline County High School cross-country team that recently won national recognition for its outstanding efforts in **community service and volunteerism**. Make a Difference is a national recognition program sponsored by USA Weekend magazine and the Points of Light Foundation.

Team Members

Cord Bise	Paul Spuhler
James Earwood	John Willis
William French	Erin Bohmann
Christopher Gutridge	Rebecca Burke
Christopher Gray	Caroline Covington
Emmanuel Houston	Catherine Gravatt
Justin Robertson	Jennifer Kolin
William Rodick	Catherine Webb
Samuel Sale	

Team Coaches

Lawrence Hinders  
Gregory West

Motion to Amend the Agenda

Mr. Christie made a motion to amend the agenda by moving *Item N, Application for Funding of Charter Schools; Item M, First Review of Report Concerning Teachers Teaching Out of Their Endorsement Area and Report on School Safety Index; and Item F, First Review of Report on English as a Second Language*

*(ESL) Tolerances for the Standards of Accreditation* to be first on the agenda in the order listed. The motion was seconded by Mrs. Noble and carried unanimously.

### ***ACTION/DISCUSSION ITEMS***

#### ***Application for Funding of Charter Schools***

Mrs. Diane Atkinson, Assistant Superintendent for Policy and Public Affairs at the Department of Education presented this item to the Board. Mrs. Atkinson stated that during the 1998 session of the legislature, the General Assembly passed a bill to permit the establishment of charter schools in Virginia. Signed into law by Governor Gilmore, this legislation gave local school boards the opportunity to approve charters beginning July 1, 1998. The Department of Education developed the Charter Schools Startup Program (CSS) as a way of supporting the charter schools effort. CSS will provide the funds and assistance needed during planning and startup phases. CSS will also facilitate support to charter schools from the Department of Education and through a network of charter schools throughout the state. The application for charter school funding is due June 1, 1999.

Senator Bell asked Mrs. Atkinson to identify the changes made in this year's application for charter schools that are different from last year's application. Mrs. Atkinson stated that the primary change from last year's application is that we have thirteen school boards that have gone through the process of adopting a resolution for charter schools. Also, the application identifies three goals that are in line with the goals of our reform and states clearly that if grants are awarded these are the areas that the charter school funds should be focused on.

Senator Bell asked if there are any other procedures in place to apply for charter school funds other than through this process. Mrs. Atkinson explained that a state can apply or a local school board can apply directly for charter school funds. Mrs. Atkinson explained further that when the Virginia application is submitted the federal process will move the local application aside. If the state gets funded then the federal process will consider an application from this local school board for funds. If Virginia does not get funded there will be an opportunity under the federal legislation for that local school board application to be moved forward to be considered for funding directly.

Mrs. Byler requested the names of the three divisions that have applied directly for charter school funds. Dr. Yvonne Thayer, Policy Analyst for Policy and Public Affairs said the three divisions are Roanoke City, Gloucester County and Franklin County.

Mr. Schroder gave David Blount of the Virginia School Board Association (VSBA) an opportunity to speak on the charter school issue. Mr. Blount worked with the staff and made several suggestions of information to be included in the application packet such as recognition of current language in the *Code* related to judicial review which allows parents to appeal the school board to the Circuit Court. He also suggested that the manual produced by VSBA on charter schools be sent with the application. Mr. Blount also offered a letter of support from VSBA to be included in the charter school application. Mr. Schroder said the letter will be included with the application.

Senator Bell asked what is the process for preparing the application for charter school funds. Mrs. Atkinson indicated that the Request for Proposal (RFP) from USDOE did come out until three weeks ago. The staff also received the application three weeks ago and started the process internally about whether Virginia would submit an application. Notification was received this week from the Governor's office to proceed with the application.

Mrs. Byler made a motion to adopt the application for charter school funds with the additional letter from VSBA. The motion was seconded by Mrs. Noble and carried unanimously.

**First Review of Report on English as a Second Language (ESL) Tolerances for the Standards of Accreditation**

Mr. Charles Finley, Director for Accreditation, Department of Education, presented this item to the Board. In October 1998, the Board approved short-term tolerances for using scores of ESL students on SOL tests for school accountability purposes by agreeing to disaggregate those scores from the scores of other eligible students when calculating the schools overall passing rates to determine accreditation ratings for the school years 1998-99 and 1999-2000. In January 1999, local ESL coordinators were canvassed by staff of the Department of Education to solicit their recommendations regarding long-term tolerances that should be made for ESL students. In addition, Department staff reviewed research on the subject. The results of the review of research and canvassing were compiled and on April 14, 1999 Mr. Schroder convened a meeting of ESL Coordinators and Department staff to work out a long-term solution to this issue.

Mr. Christie asked Mr. Finley to clarify the definition of LEP students. Mr. Finley said LEP students are federally defined. (See resolution below). Mr. Schroder said a school cannot define whether a student is classified as LEP.

Mrs. Byler made a motion to waive first review. The motion was seconded by Mrs. Rogers and carried unanimously.

Mrs. Byler made a motion to adopt the Resolution on Accommodations for Testing Students with Limited English Proficiency and School Accountability. Mrs. Noble seconded the motion and carried unanimously. The following is the text of the resolution as adopted by the Board of Education.

**BOARD OF EDUCATION  
RESOLUTION ON ACCOMMODATIONS  
FOR TESTING STUDENTS WITH LIMITED ENGLISH PROFICIENCY  
AND SCHOOL ACCOUNTABILITY**

**Whereas**, Public Law 103-382 (Improving America's Schools Act, Title VII, Part E, Section 7501 (8)) defines an LEP student as one who meets both criteria listed as A. and B. below:

- A.
  - i) was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or
  - ii) is a Native American or Alaska Native who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or
  - iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and
  
- B. has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society; and

**Whereas**, throughout the process of revising the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-10 *et seq.* (SOA) in 1996-97, the Board of Education received comment on the effect of the proposed Standards of Learning (SOL) testing requirements for students and schools from the community of supporters and teachers of students identified as Limited English Proficient (LEP); and

**Whereas**, in response to comment received, the Board of Education voted in September 1997 to include in the SOA a provision allowing LEP-identified students to be exempted from the SOL tests for one complete grade level at either Grades 3, 5 or 8 (8 VAC 20-131-30.A). The SOA adopted in September 1997 also allowed schools with large numbers of transients and/or non-English-speaking immigrant students to receive additional accommodations in the school accreditation formula through a plan for each individual school, with each Individual School Accreditation Plan having to be approved separately by the Board of Education (8 VAC 20-131-280.C); and

**Whereas**, as a result of additional comment received, the Board of Education voted unanimously in October 1998 to approve an accommodation to exclude the SOL test scores of LEP-identified children from the calculation of passing rates in the 1997-98 and 1998-99 school years as a short-term solution to concerns expressed by the ESL community and schools with large numbers of LEP-identified children; and

**Whereas**, the Board additionally agreed to consider recommendations from the ESL community and from schools with large numbers of LEP-identified students in an effort to develop a long-term solution to issues related to school accountability and the testing of LEP students as an alternative to requiring each affected school to develop an Individual School Accreditation Plan to be approved by the Board; and

**Whereas**, in January 1999, the Department of Education conducted a canvass of ESL coordinators in order to solicit their recommendations regarding such accommodations that should be made for ESL students; the findings and recommendations are summarized in a report submitted to the Board for its consideration and for the public record; and

**Whereas**, the Department of Education conducted a review of the research literature on this topic, the summary of which is also presented to the Board for its consideration and for the public record; and

**Whereas**, as a part of the efforts to determine a long-term solution to this issue, on April 14, 1999 the President of the Board of Education convened a meeting of ESL Coordinators and Department of Education staff, at which time the following proposal was developed for Board consideration:

The purpose of this policy is to implement appropriate safeguards to support the inclusion of Limited English Proficient (LEP) students in the Standards of Learning (SOL) testing program while at the same time allowing the results of SOL tests to be used fairly in the accreditation of schools. This policy supports the underlying philosophy that all students can learn and the improvement of student academic achievement is the key to student success in the 21<sup>st</sup> century. The policy also supports the student achievement expectations in the Standards of Accreditation that all students are expected to take and pass SOL tests in grades 3, 5, and 8 and in selected high school courses. In developing this policy the Board of Education acknowledges the need for LEP students to be afforded an opportunity to acquire facility in the English language while at the same time participating in the academic program of the school.

**Now, Therefore, Be It Resolved** that the Board of Education, having considered the results of the canvass of the ESL directors, educators in schools with large numbers of LEP-identified students, the review of the research, and the suggestions and comments of ESL Coordinators, parents and others, establishes the following policy:

1. The student must be identified as Limited English Proficient (LEP) in accordance with the guidelines issued by the United States Department of Education under Public Law 103-382 for such identification. This policy shall not apply to students who are no longer identified as LEP under the federal guidelines.
2. LEP-identified students in grades K-8 will continue to have a one-time exemption option at grades 3, 5 or 8 as provided in the SOA adopted September 1997. Such exemptions will be exercised in accordance with 8 VAC 20-131-20 of the *Regulations Establishing Standards for Accrediting Public*

*Schools in Virginia* and the “Limited English Proficient Students: Guidelines for Participation in the Standards of Learning Assessments”, adopted by the Board of Education on October 10, 1997.

3. Unless exercising the exemptions contained in the “Students with Disabilities: Guidelines for Participation in the Standards of Learning Assessments” adopted by the Board of Education on October 10, 1997, there will continue to be no exemptions available to LEP students for SOL testing in high school courses for which such tests are available, nor shall LEP students be exempted from the requirement to earn verified credits to receive a diploma as set forth in the SOA.
4. The scores of LEP-identified students enrolled in a Virginia public school fewer than eleven (11) semesters shall be removed from the calculations used for the purpose of school accreditation required by 8 VAC 20-131-280.C and 8 VAC 20-131-300.D of the accrediting standards.
5. Notice of the exclusion of the scores of LEP-identified students from the school accreditation calculation formula shall be included on the School Performance Report Card and the scores of such students shall be reported in a separate category.
6. Completion of a semester shall be based on school membership days. Membership days are defined as the days the student is officially enrolled in a Virginia public school (regardless of the days absent or present). For a semester to count as a completed semester, a student must have been in membership for a majority of the membership days of that semester.
7. Semesters need not be consecutive to count toward the ten-semester total. For example, if a student completes the fall semester in a Virginia public school and then transfers out of the state, that student will have one completed semester of the ten-semester total if he or she ever re-enters the Virginia public schools.
8. Appropriate methods will be implemented to ensure the identification of students during the SOL testing process to allow student performance to be disaggregated into the reporting categories formed under this policy.

**Be It Further Resolved** that this policy shall become effective with the reporting of results for the Fall 1999 SOL test administration;

**Be It Finally Resolved** that the Superintendent of Public Instruction is hereby requested to distribute a copy of this resolution to all local division superintendents and to all interested professional organizations and any other member of the public so that they may be informed of the Board of Education’s policy regarding accommodations for students with Limited English Proficiency.

Adopted This 27<sup>th</sup> Day of May 1999

Kirk T. Schroder, President

Paul D. Stapleton, Superintendent of Public Instruction

**First Review of Report on Mobility and Transition Tolerances for the Standards of Accreditation**

Mr. Finley presented this item to the Board. The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (the accrediting standards), in 8 VAC 20-131-280.C relating to expectations for school accountability state, in part, “Schools with large numbers of transient students and/or non-English-speaking immigrant students may receive additional accommodations according to tolerances established by the Board of Education.” The standard goes further to state that “Such schools shall be evaluated according to the Individual School Accreditation Plan approved by the Board.”

During the development, adoption, and implementation of the accrediting standards in 1996-98, many discussions were held and some school divisions in Virginia, most notably in Tidewater and Northern Virginia, indicated a concern about the issue of school accountability and student mobility. Some superintendents and principals felt that schools should not be held accountable for students who are not in the school for all or most of the year and that those students' test scores should not count when passing rates are calculated for school accountability purposes. School accountability is being calculated based on individual schools' student performance on Standards of Learning (SOL) tests.

The staff of the Department initially identified four groups of students to consider when looking at mobility: (1) *Intradivision* (students who transfer from one school in the division to another); (2) *Intrastate* (students who transfer from a school in one division to a school in another division); (3) *Interstate* (students who transfer from one state to another, also could be a student who comes from outside the country); and (4) *Homeless and Migrants* (students who move about the country—they may leave and re-enter the same school division during the school year. It was later determined that these students would ultimately be included as a part of one of the above categories).

A number of questions and issues were raised during discussions about this population of students. A meeting with a group of superintendents from school divisions with large numbers of transient students was convened to discuss these questions and issues and to develop a solution to problems that were identified surrounding mobility and transiency. In addition, a review of some other states' handling of this population of students revealed some viable solutions to the issues related to school accountability. The issues related to individual student accountability at the secondary level were found to be more complex and will require more study due to the requirements of verified credits from graduation. The accrediting standards, in 8 VAC 20-131-60.D, make accommodations for students who transfer into Virginia schools after beginning their senior year (after the ninth-grade class of 2000) by making a waiver of verified units of credit available upon the request of a local school board to the Department.

Mrs. Byler asked what is the significance of the 20 instructional hours? Mr. Finley replied that Virginia looked at what some of the other states were doing that have accountability systems similar to Virginia, and most of them had exclusions from the accountability calculations. Such exclusions ranged from the first month of school to the middle of October. In talking with the Superintendents from other states, they thought this was a comfortable place because students do not miss very much of the instruction if they come in within the first twenty days of instruction. But after that, they are subject to miss a considerable amount of instruction, especially at the high school level. Mrs. Byler asked if this seemed appropriate in other states' efforts to accommodate these students. Mr. Finley stated that some states do not make accommodations for these students but the states that do make accommodations, such as Texas, Illinois and New York, found this length of time to be appropriate.

Senator Bell asked how do we accommodate students who come in prior to 20 instructional hours if the student is in the 8<sup>th</sup> grade and is required to take the SOL tests but there is certain material that was covered in the 6<sup>th</sup> and 7<sup>th</sup> grades? Mr. Finley stated that there was no way to fix all of these types of situations but he hopes that the school divisions will make an effort to bring these students up-to-date before they take the SOL tests.

There was a lengthy discussion on the issue of intrastate transient students in the calculation of the school's accountability rating. Mr. Schroder requested the Department staff to come up with new language in the resolution on this issue. After Mr. Finley returned with the revised resolution, the motion was made to waive first review. The motion was seconded and approved unanimously.

Senator Russell made a motion to adopt the revised resolution. The motion was seconded by Mrs. Noble and carried unanimously. The following is the text of the resolution as adopted by the Board of Education.

**BOARD OF EDUCATION  
RESOLUTION ON TOLERANCES FOR STUDENT MOBILITY AND TRANSIENCY  
AND SCHOOL ACCOUNTABILITY**

**Whereas**, some local school officials in Virginia have expressed their concern about the issue of school accountability and student mobility as these issues relate to the requirements of the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et.seq; herein, the SOA.); and

**Whereas**, throughout the process of revising the SOA in 1996-97, the Board of Education received comment from educators and parents concerned about the potential effect of the proposed Standards of Learning (SOL) testing requirements on schools with high populations of transient students and on the individual transient student. These students fall into four groups:

- Intradivision transient students, defined as those students who transfer from one school in the division to another.
- Intrastate transient students, defined as those students who transfer from a school in one division to a school in another division.
- Interstate transient students, defined as those students who transfer from one state to another, also could be a student who comes from outside the country.
- Homeless and migrant transient students, defined as those students who move about the country. They may leave and re-enter the same school division during the school year, and are more likely included as a part of any of the above categories; and

**Whereas**, the SOA adopted in September 1997 allows schools with large numbers of transient students to receive additional accommodations in the school accreditation formula through a plan for each individual school, with each Individualized School Accreditation Plan having to be approved separately by the Board of Education (8 VAC 20-131-280.C); and

**Whereas**, a review of literature from some states such as South Carolina, North Carolina, and Florida, which have accountability systems similar to the one in place in Virginia, reveals that states vary in any accommodations for mobility when determining a school's performance; and

**Whereas**, the Board recognized a particular problem with students who transfer into Virginia secondary schools late in their high school careers and made provisions for those instances in the SOA by allowing a waiver of verified credits under certain conditions at the request of a local school board (8 VAC 20-131-60 D); and

**Whereas**, as a part of the efforts to determine a long-term solution to this issue, on May 20, 1999 a meeting of Department of Education staff and superintendents from divisions having large populations of transient students was convened, at which time the following proposal was developed for Board consideration:

**Be It Therefore Resolved** That as a solution to the problems identified from including the SOL test scores of transient students in the calculation of school accountability (accreditation) ratings, the following policy shall be adopted:

1. In accordance with the provisions with 8 VAC 20-131-20 of the SOA, all students who transfer into Virginia schools are expected to take and pass SOL tests at grades 3, 5, and 8 and in high school unless they have been exempted by reason of disability or limited English proficiency as provided therein.
2. All students who transfer within a school division shall have their scores counted in the calculation of the school's accountability (accreditation) rating.

3. Students who transfer into a Virginia school from another Virginia school division or another state at grades 3, 5 and 8 shall be expected to take the SOL tests; however, the scores on those tests will not be used in calculating school accountability (accreditation) ratings in the year the transfer occurs if the transfer takes place after the 20<sup>th</sup> instructional day following the opening of school.
4. Students who transfer into a Virginia middle or high school from another state and enroll in a course for which there is an end-of-course SOL test shall be expected to take the test for that course; however, the scores on those tests will not be used in calculating school accountability (accreditation) ratings in the year the transfer occurs if the transfer takes place after 20 instructional hours have elapsed following the opening of school or beginning of the semester if applicable.

**Be It Further Resolved** that the Board will continue to study issues surrounding concerns about the requirement for verified units of credit for high school graduation and transfer students and make recommendations for long-term solutions to these issues at a later date; and

**Be It Further Resolved** that this policy shall become effective with the reporting of results for the Fall 1999 SOL test administration.

**Be It Further Resolved** that the Superintendent of Public Instruction is hereby requested to distribute a copy of this resolution to all local division superintendents and to all interested professional organizations and any other member of the public so that they may be informed of the Board of Education's policy regarding accommodations for schools with high populations of transient students and for the individual transient student.

Adopted This 27<sup>th</sup> Day of May 1999

Kirk T. Schroder, President  
Paul D. Stapleton, Superintendent of Public Instruction

**Seventeenth Annual Report of the Advisory Committee for the Education of the Gifted**

Ms. Linda B. Rae, Chair of the Virginia Advisory Committee for the Education of the Gifted (VACEG) presented the report to the Board. The Advisory Committee for the Education of the Gifted is composed of representatives from local school divisions, teachers of the gifted, parents' groups, local advisory committees, community persons, students, and higher education. The committee meets quarterly to discuss, analyze, study, and act upon issues that relate to the needs of the gifted learner, K-12.

The report gives a brief overview of the activities from May 1998 to May 1999. The two major areas focused on by the committee this year were: (1) Legislative issues and (2) Standards of Accreditation impact on gifted students. The work of the subcommittee for legislative issues included the analysis of five years of year-end reports on gifted education from divisions and dissemination of this data to the Virginia Association for the Gifted and to the Virginia Consortium of Administrators Programs for the Gifted. The Board accepted the report and thanked the members of the VACEG for their hard work during the past year.

**Report of the Activities of the Rockingham County Area Planning Committee for the Establishment of an Academic Year Governor's School**

Dr. John Kidd, Superintendent of Rockingham County Public Schools presented this topic. He was assisted by Dr. Krista Swennson, Rockingham Governor's School Planning Administrator.

The Board of Education, through the Department of Education, allocated \$50,000 for planning activities to be conducted between July 1, 1998 and June 30, 1999 for a new Academic Year Governor's

School in the Shenandoah Valley area. Rockingham County Public Schools serves as the fiscal agent for the grant. Language in the 1999 General Assembly Appropriation Act allowed divisions with planning grant funds that were unspent as of June 30, 1999 to carry such monies forward into fiscal year 2000. Divisions receiving planning grants are required to report their progress to the Board of Education for approval. The presentation will include anticipated areas for future investigation and target dates for major decisions.

Representatives from Page, Shenandoah, and Rockingham Counties and Harrisonburg City Public Schools have formed a regional committee to explore the needs of the region's secondary gifted students and to investigate options that match those needs and the resources of the local communities. The Board accepted the report.

**First Review of Continuing Accreditation of Eight State/National Council for the Accreditation of Teacher Education (NCATE) Institutions in Virginia**

Dr. Thomas Elliott, Assistant Superintendent for Teacher Education and Professional Licensure, Department of Education presented this item. Dr. Elliott said the accreditation process used for the approval of teacher preparation institutions in Virginia was a process approved by the Board of Education in 1988. That process allowed institutions in Virginia that wish to be accredited by the Board of Education and nationally accredited to undergo a jointly sponsored State/NCATE review process. The NCATE standards and the Board of Education standards were used for that review. For the institutions, this meant that instead of preparing two self-studies and having two teams come into their institutions to determine the degree to which they applied with the standards for the Board and NCATE, there was a joint team. This process has continued since 1988.

Also, Dr. Elliott informed the Board that the 1998 General Assembly directed that beginning July 1, 2002, only individuals that have been accredited by the Board or a national accrediting body would be issued a license. To implement this General Assembly regulation, the advisory board is in the process of revising the approved program standards. The institutions listed below have undergone the joint State/NCATE review. One institution, Virginia Union University, after planning for three years, made the decision, with the approval of their President, to pursue both Board of Education and NCATE accreditation.

Mrs. Noble introduced representatives from the following institutions that are recommended for accreditation: (1) The College of William and Mary, (2) George Mason University, (3) James Madison University, (4) Longwood College, (5) Marymount University, (6) Old Dominion University, (7) Radford University, (8) Virginia Tech, and (9) Virginia Union University.

Mrs. Noble made a motion to waive first review. The motion was seconded by Mrs. Rogers and carried unanimously.

Mrs. Noble made a motion to grant continuing accreditation to the eight institutions listed above and initial accreditation to Virginia Union University. The motion was seconded by Mrs. Rogers and carried unanimously.

Mr. Schroder thanked each of the college representatives for their continued dedication and hard work on behalf of teaching excellence.

**First Review of ABTEL's Recommendation on Cut-Scores for Sixteen Praxis II Beginning Teacher Assessments in Content Areas**

Ms. Mychele Brickner, Chair of ABTEL, presented this topic. In April 1981, the Board of Education authorized validation and standard-setting studies of the National Teacher Examinations (NTE) tests as an instrument of professional assessment for licensure in Virginia. The findings of these studies

supported the use of the tests for initial licensure. The tests included the NTE Core Battery, which consisted of the following three separate tests: General Knowledge, Communications Skills, and Professional Knowledge, and the Specialty Area tests to assess the teacher's content knowledge of a selected endorsement (teaching) area.

Effective July 1, 1986, beginning teachers were required to submit passing scores for each of the three Core Battery tests of the NTE and an appropriate Specialty Area test as a requirement for licensure. In the fall 1993, the Education Testing Service (ETS) introduced a new generation of teacher assessments—The Praxis Series: Professional Assessments for Beginning Teachers. The Praxis Series, which provides a continuum of assessments from entry into a teacher preparation program to actual practice in the classroom, consists of the following tests: (1) Praxis I: Academic Skills Assessments: This test assesses basic proficiency in reading, mathematics, and writing, and is designed to assess a candidate's basic skills at the time the decision is made to become a teacher. (2) Praxis II: Subject Assessments: This test assesses subject knowledge and involves demonstrating mastery in the content area. (3) Praxis III: Classroom Performance Assessment: This test assesses a beginning teacher's ability to apply knowledge of subject matter and the basic principles of teaching in an actual classroom setting.

Mr. Schroder asked where are the Praxis I and Praxis II scores reported and how are they collected and made available? Dr. Elliott responded that the data are reported statewide and by individual institutions. The Board accepted the report for first review.

#### **Discussion on Who Should Attend Summer School**

After returning from lunch, Mr. Christie requested permission to discuss an issue that was discussed at some of the recent public hearings concerning when a student should attend summer school. Mr. Christie said according to the *Code*, a student who fails all four tests is required to take remediation in summer school or after school. Mr. Christie asked Mr. Stapleton to send out a Superintendent's Memo clarifying what is in the *Code* for attending summer school. Mr. Stapleton said he will clarify in the Superintendent's Memo that this is a local issue and local school boards decide who should attend summer school and the length of time the student should attend.

#### **First Review of Report Concerning Teachers Teaching Out of Their Endorsement Area and Report on School Safety Index**

Mrs. Diane Atkinson, Assistant Superintendent for Policy and Public Affairs at the Department of Education, presented this item. Mrs. Atkinson said some questions have arisen regarding the data that have been reported for the School Safety Information. That section on the School Performance Report Card reports the number of incidents of physical violence against students, physical violence against faculty; possession of firearms, possession of non-firearm weapons, and possession of alcohol or drugs. Further, there have been questions concerning the Teacher Training Information. That section reports the percent of teachers meeting state licensure requirements for the subjects that they teach. There have been questions about whether the data reported is an under-representation of what is occurring locally. (See Attachment A).

The data for each report is collected by the Department of Education from the school divisions through two separate reporting instruments and is based on self-reported data. The Department does verify with the local school division their data before using it on the report card. Safety information is collected as part of the Crime, Violence, and Substance Abuse Data Collection. Teacher Training Information is collected as part of the Certification of Pre-Accreditation Eligibility Status for each school.

### School Safety Information

There was a lengthy discussion on the definition of the word fighting. Mr. Christie suggested taking the definition of physical assault, which means an unlawful beating in which a victim and an offender can be clearly identified and minor or serious injury results.

Mr. Schroder invited comments from the audience. The Board heard comments from representatives of Chesterfield and Henrico County Public Schools on how they report fights on the School Report Cards. Chesterfield reported the number of long-term suspensions and expulsions, and Henrico reported fights under physical assaults.

Continuing with the discussion, the following are comments made by some Board members: Mr. Christie suggested having one category for physical violence and one category for fighting. Mrs. Byler said it is important to apply common sense and not get too legal and report the information that is useful. Mr. Schroder suggested a heading with a definition of violent acts and a separate category for fighting. Mrs. Davidson said there should be separate categories for fighting and physical assaults. Senator Bell asked if it were possible to keep it as it is and insert a note at the bottom stating this does not include fighting, etc.

Senator Russell made a motion to separate the categories and have two categories that will be physical violence and school fights. The motion was seconded by Mrs. Davidson.

Mr. Christie made a motion to insert two sub-categories under the physical violence category of the Safety Information index on the School Performance Report Card. The sub-categories are: (1) Serious Incidences and (2) Fights. Serious incidence is the definition of physical assault and more serious crimes and anything involving a weapon. Fighting involves those fights that involve a weapon and move it to serious incidence. Also a part of this motion is the certification statement which states that data have been reported in a manner consistent with the definitions in the data collection instrument. The motion was seconded by Mrs. Noble and carried unanimously. Senator Russell withdrew his motion and voted for Mr. Christie's motion.

### Teacher Training Information

Mrs. Atkinson said the question has arisen regarding the data on the School Performance Report Card for percent of teachers meeting state licensure requirements for subjects they teach and whether or not the data as reported is an over-representation of the numbers of individuals who meet the requirements. In gathering the data for reporting the percent of teachers meeting state licensure requirements, the Department uses two data points from the Pre-Accreditation Certification: (1) Actual number of instructional staff members, exclusive of guidance counselors and librarians, and (2) Actual number of instructional staff teaching outside their area of endorsement, exclusive of teachers who have conditional licenses for special education.

Dr. Elliott recommended that the Board focus on whether the teacher is properly endorsed in the primary area they teach because most parents are interested in knowing whether the teacher is qualified to teach their children.

Mr. Christie made the following motion: In the category of teacher training information on the School Performance report Card, the information shall be the percent of teachers who are endorsed in the areas that they primarily teach. The motion was seconded by Senator Russell and carried unanimously.

**First Review of K-3 Record for Reading and Mathematics**

This item was presented by Dr. Jim Heywood, Director, Elementary/Middle School Education at the Department of Education. Regulation 8 VAC 20-131-80 of the Standards of Accreditation requires that "Schools shall maintain, in a manner prescribed by the Board, an early skills and knowledge achievement record in reading and math for each student in grades K-3 to monitor student progress and to promote student achievement in the third grade SOL tests. This record shall be included with the student's records if the student transfers to a new school."

The recommendations of the committees that addressed the Reading and Mathematics K-3 Skills and Achievement Record are as follows: (1) For each student in grades K-3, schools shall maintain, at a minimum, a record of achievement for each of the K-3 English and Mathematics Standards of Learning. (2) School divisions may determine the levels of performance used to measure students' achievement of the K-3 English and Mathematics Standards of Learning. The levels of performance must be defined numerically and clearly indicated on the achievement record. (3) A record of intervention or remediation strategies and services must be a part of the Achievement Record. (4) The Department of Education will provide sample achievement records that meet the criteria listed above for school divisions who do not already have an achievement record and who choose to use one of the sample.

Senator Russell made a motion to waive first review. The motion was seconded by Mrs. Rogers and carried unanimously. Senator Russell made a motion to approve the proposed monitoring requirements. The motion was seconded by Mrs. Rogers and carried unanimously.

**Report and Update on the SOL Technical Advisory Committee**

Mrs. Cam Harris, Assistant Superintendent for Assessment and Reporting at the Department of Education, said the Technical Advisory Committee (TAC) shall consist of four members and a Chairperson. All initial members shall be appointed by the President of the Board of Education and thereafter, all subsequent vacancies and appointments shall be made by the Board. Every appointment of the TAC shall be for a term of five years, except that the initial appointments shall be established in two groups with initial terms of three years and two years respectively in order to establish membership with varied terms. (See Attachment B).

The Technical Advisory Committee will consist of people who are national representatives and are out-of-state. The committee will provide technical advice and assistance on test reliability and validity, item and test development, data analysis, scaling, equating, reporting, and other topics, as needed. The Board accepted the report.

**First Review of Local Graduation Requirements Grandfathered Under the Standards of Accreditation**

Mr. Charles Finley, Director of Accreditation at the Department of Education presented this item to the Board. The Standards of Quality for Public Schools (SOQ) in ' 22.1-253.13:4 of the Code of Virginia require local school boards to award diplomas to all secondary school students who earn the units of credit prescribed by the Board of Education, pass the prescribed literacy tests and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. In addition, the Regulations Establishing Standards for Accrediting Public Schools in Virginia adopted on September 4, 1997, include a provision that requires Board of Education approval of all additional requirements above those prescribed in the standards. Those standards further stipulate that local school boards that had increased requirements in effect as of June 30, 1997 would be granted approval through June 30, 1999. A listing of school divisions that have sought and received approval of the Board under these provisions is found in Attachment C.

A survey of school division in early 1998 revealed that a number of school divisions had increased requirements for graduation in earlier years without having secured approval from the Board. That survey did not result in definitive information on what specific course requirements had been implemented by local school boards. At the direction of the Board, another survey was conducted to ascertain the specific additional (increased) requirements that had been implemented in local school divisions and Governor's Schools that exceed those prescribed by the Board. The results of the survey are found in Attachment D.

Mrs. Davidson made a motion to waive first review. The motion was seconded by Mrs. Noble and carried unanimously. Mrs. Davidson made a motion to continue the grandfather clause for an additional year and wait for another year of test results with respect to graduation requirements. The motion was seconded by Mrs. Noble and carried unanimously.

#### ***PUBLIC COMMENT***

No one spoke during public comment.

#### ***DISCUSSION OF CURRENT ISSUES***

There was no discussion of current issues.

#### ***EXECUTIVE SESSION***

Senator Bell made a motion to go into executive session under Virginia Code ' 2.1-344.A1 specifically to discuss personnel matters related to licensure. The motion was seconded by Mrs. Noble and carried unanimously. The Board adjourned for Executive Session at 2:45 p.m.

Senator Bell made a motion that the Board reconvene in open session. The motion was seconded by Mrs. Byler and carried unanimously. The Board reconvened at 4:20 p.m.

Senator Bell made a motion that the Board certify by roll call vote that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive session to which this certification motion applies, and (2) only such public business matters as were identified in the motion convening the executive session were heard, discussed or considered by the Board. The motion was seconded by Senator Russell and carried unanimously.

#### Board Roll Call:

Mrs. Davidson - Aye	Mrs. Rogers - Aye
Mrs. Noble - Aye	Mrs. Byler - Aye
Senator Russell - Aye	Mr. Christie - Aye
Senator Bell - Aye	Mr. Schroder - Aye

Senator Bell made the following motion: Mr. President, I move that the Board of Education take the following actions relative to the licensure cases presented during the executive session. The motion was seconded by Mrs. Byler and carried unanimously.

- R Case #1 – Recommend that the applicant be given a new provisional license, as an accommodation, limited to one year, by which time she must have passed the required Praxis exam.
- R Case #2 – Recommended to extend a three-year provisional license to the individual involved.
- R Case #3 – Recommended the revocation of the license of the individual involved.
- R Case #4 – Recommended the continuation of the license of the individual involved.

- R Case #5 – Recommended the reinstatement of the license of the individual involved.
- R Case #6 – Recommended the revocation of the license of the individual involved.
- R Case #7 – Recommended the revocation of the license of the individual involved.

***ADJOURNMENT***

There being no further business, Mr. Schroder adjourned the meeting of the Virginia Board of Education and the Board of Vocational Education at 4:30 p.m.

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President

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Secretary of the Board